

O I P E

MAY 6 2005

PTO/SB/31 (04-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRAINEE

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Docket Number (Optional)

RPS920020184US1

NOTICE OF APPEAL FROM THE EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on 5/4/05

Signature Brian C. KunzlerTyped or printed name Brian C. Kunzler

In re Application of	
<u>Martin Joseph Crippen et al.</u>	
Application Number	Filed
<u>10/717,782</u>	<u>11/20/2003</u>
For <u>Automatic Recirculation Airflow Damper</u>	
Art Unit	Examiner
<u>3749</u>	<u>Derek Bolcs</u>

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ 500.00140 /  
120

Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ \_\_\_\_\_

A check in the amount of the fee is enclosed.

Payment by credit card. Form PTO-2038 is attached.

The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-0563. I have enclosed a duplicate copy of this sheet.

A petition for an extension of time under 37 CFR 1.138(a) (PTO/SB/22) is enclosed.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

applicant/inventor.

assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

attorney or agent of record. Registration number 38,527

attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. \_\_\_\_\_

Brian C. Kunzler  
Signature

Brian C. Kunzler  
Typed or printed name

(801) 994-4164  
Telephone number

5/4/05  
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

\*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

1/06/2005 RFEKADU1 00000019 10717782

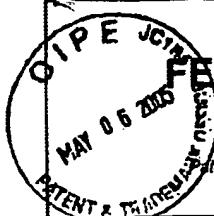
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PTO/SB/05 (12/97)  
Approved for use through 9/30/03. OMB 0651-0052  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE



## FEE TRANSMITTAL

Note: Effective December 8, 2004.  
Patent fees are subject to annual revision.

**TOTAL AMOUNT OF PAYMENT**

Complete if Known	
Application Number	10/717,782
Filing Date	November 20, 2003
First Named Inventor	Martin J. Crippen
Group Art Unit	3749
Examiner Name	Derek Boles
Attorney Docket Number	RPS920020184US1

METHOD OF PAYMENT (check one)	
1. <input type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:	
Deposit Account No.: <input type="text"/>	
Deposit Account Name: <input type="text"/>	
<input type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Charge the Issue Fee In 37 CFR at the Mailing of the Notice of Allowance	
2. <input checked="" type="checkbox"/> Payment Enclosed:	
<input checked="" type="checkbox"/> Check <input type="checkbox"/> Money Order <input type="checkbox"/> Other	

FEE CALCULATION					
1. FILING FEE					
Large Entity		Small Entity			
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1011	300	2011	150	Utility Filing Fee	<input type="text"/>
1111	500	2111	250	Utility Search Fee	<input type="text"/>
1311	200	2311	100	Utility Examination Fee	<input type="text"/>
1081	250	2081	125	Utility over 100 sheet fee per additional 50	<input type="text"/>
1085	250	2085	125	Provisional over 100 sheet fee per add. 50	<input type="text"/>
1005	200	2005	100	Provisional filing fee	<input type="text"/>
				<b>SUBTOTAL (1)</b>	<b>\$ 0</b>
2. CLAIMS					
Large Entity		Small Entity			
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1202	50	2202	25	Claims in excess of 20	<input type="text"/>
1201	200	2201	100	Independent claims in excess of 3	<input type="text"/>
1203	360	2203	180	Multiple dependent claim	<input type="text"/>
1204	200	2204	100	Reissue independent claims over original patent	<input type="text"/>
1205	50	2205	25	Reissue claims in excess of 20 and over original patent	<input type="text"/>
				<b>SUBTOTAL (2)</b>	<b>0</b>

3. ADDITIONAL FEES			
Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)
1051	130	2051	65 Surcharge - late filing fee or oath
1052	50	2052	25 Surcharge - late provisional filing fee or cover sheet
1053	130	1053	130 Non-English specification
1812	2520	1812	2520 For filing a request for reexamination
1804	920*	1804	920* Requesting publication of SIR prior to Examiner action
1805	1840*	1805	1840* Requesting publication of SIR after Examiner action
1251	120	2251	60 Extension for reply within first month
1252	450	2252	225 Extension for reply within second month
1253	1020	2253	510 Extension for reply within third month
1254	1590	2254	785 Extension for reply within fourth month
1255	2160	2255	1080 Extension for reply within fifth month
1401	500	2401	250 Notice of Appeal
1402	500	2402	250 Filing a brief in support of an appeal
1403	1000	2403	500 Request for oral hearing
1451	1510	1451	1510 Petition to institute a public use proceeding
1452	110	2452	55 Petition to revive -unavoidably
1453	1370	2453	685 Petition to revive - unintentional
1460	130	1460	130 Petitions to the Commissioner
1501	1400	2501	700 Utility issue fee
1502	800	2502	400 Design issue fee
1503	1100	2503	550 Plant issue fee
8007	20	8007	20 Copy of Patent Application as filed
1807	50	1807	50 Petitions related to provisional applications
1808	180	1808	180 Submission of Information Disclosure Stmt
8021	40	8021	40 Recording each patent assignment per property (times number of properties)
1801	790	2801	395 Request for continued examination (RCE) (37 CFR 1.114)
1810	790	2810	395 Filing a submission after final rejection (37 CFR 1.129(a))
1810	790	2810	395 For each additional invention to be examined (37 CFR 1.129(b))
Other fee (specify) _____			
<b>SUBTOTAL (2)</b>		<b>0</b>	<b>*Reduced by Basic Filing Fee</b>
<b>SUBTOTAL (3)</b>			<b>\$ 120</b>

SUBMITTED BY				Complete (if applicable)	
Typed or Printed Name				Reg. Number	38,527
Signature		Date	May 4, 2005	Deposit Account User ID	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington.